

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: RECALLED ABBOTT INFANT
FORMULA PRODUCT LIABILITY
LITIGATION**

MDL 3037

Case No: 1:22-cv-04148

This Document Relates to:

Honorable Matthew F. Kennelly

ALL ACTIONS

**PLAINTIFFS' MOTION TO EXTEND DEADLINE TO SUBMIT
REVISED COMMON BENEFIT ORDER**

This motion stems from the April 25, 2025 hearing and Notification of Docket Entry (ECF #288) in which this Court instructed new Co-Lead Counsel (“CLC II”) to submit a revised common benefit order by May 9, 2025.

Since that date, CLC II has extensively discussed the revised common benefit order internally and has also discussed the revised common benefit order with original Co-Lead Counsel, Stacy Hauer and Sam Geisler. And because Settlement Master Randi Ellis had previously indicated a willingness to get involved in this process, CLC II also reached out to Ms. Ellis to discuss further. Because of scheduling issues, the earliest date and time that CLC II and Ms. Ellis could coordinate for that discussion was Friday, May 9, 2025 at 2 p.m. CST.¹

For the Court’s reference, CMO No. 21 (ECF #287) at paragraph 6 already allowed CLC II to “assume all rights, duties, and responsibilities of Lead Counsel, Co-Lead Counsel, the PSC, and Common Benefit Counsel in CMO No. 7 (ECF #55) for purposes of conducting and approving Common Benefit Work and pursuing common benefit fees and costs relating to the work and expenses of CLC II on behalf of litigating Plaintiffs, to be determined at a later date upon Court approval.” *See* ECF #287,

¹ This motion is being filed before that call. After the call with Ms. Ellis, CLC II intends to discuss internally and then discuss further with Ms. Hauer and Mr. Geisler.

¶ 6. Therefore, the process for CLC II to step in to perform Common Benefit Work is already in place. The attorneys involved just need to determine specifically what that will look like, in addition to determining an appropriate way to address CMO No. 19 Setting Common Benefit Holdback Percentage (ECF #251) in the context of the work to be done on behalf of the continuing litigating Plaintiffs compared to the work done in reaching the Master Settlement Agreement by the original CLC and Plaintiffs' Steering Committee.

CLC II respectfully requests a one-week extension, until May 16, 2025, to file a revised common benefit order so that everyone involved can make sure that we are all on the same page, as well as to do our best to address the Court's intention in requiring a revised common benefit order. CLC II understands the importance of getting these issues resolved as best as possible to provide clarity moving forward and is not simply trying to delay. Essentially, we want to make sure we get it right.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2025 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system and/or by e-mail.

/s/ *Marc Matthews*

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